IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 14 OF 2007

IN

WRIT PETITION NO. 2483 OF 2006

Shatmanyu Sharma. .. Petitioner.

vs.

Union of India

& Ors. .. Respondents.

Mr. Ramesh Ramamurthy for petitioner.

Mr. B.A. Desai, A.S.G. a/w Ms. Rutuja Ambekar for Respondents.

..

Coram: J.N. PATEL &,
S.C. DHARMADHIKARI, JJ.

Date: 6th March, 2007.

P.C.

. Heard the learned counsel.

2. The petitioner has taken out this motion and has made a categorical prayer that the petitioner is prepared to face enquiry but the same should be done within stipulated period of two months and direct the

enquiry officer to give his report within the stipulated period.

3. In the course of hearing of the motion principally it has been agreed that if the disciplinary proceeding is concluded then the very relief sought in the petition becomes infructuous as the petitioner originally approached CAT to challenge the very initiation of the disciplinary proceedings against him which was turned down by CAT against which the petitioner has come before this Court. Therefore, if the petitioner is prepared to face the disciplinary proceedings subject to the condition that it should be concluded expeditiously, then, there is no reason why the department should not proceed with the enquiry and take it to its logical conclusion as the petitioner is not left without a remedy in case the findings go against him.

4. Mr. Desai, the learned Addl. Solicitor General, submitted that the disciplinary proceedings can be concluded within a period of six months as two months will be too short a period. He further submitted that the petitioner should extend all possible cooperation in the matter.

5. We accept the statement made by the learned Addl. Solicitor General that the respondent department would conclude the disciplinary proceedings within a

period of six months and would not seek further extension of time unless the delay is at the instance of the petitioner. We, therefore, dispose of the petition with a direction to the respondent to conclude the disciplinary proceedings commenced pursuant to the charge sheet dated 29.8.2005 within a period of six months from the date of passing of this order. Petition stands disposed of accordingly so also the notice of motion taken out by the petitioner. No order as to costs.

(J.N. Patel, J.)

(S.C. Dharmadhikari, J.)